

**DRAFT DECISION NOTICE**  
**FEATHER RIVER AQUATIC ORGANISM PASSAGE PROJECT**  
**U.S. FOREST SERVICE**  
**STATE ROUTE 70**  
**POST MILES BUT 42.06/42.21/46.44 & PLU 23.67/31.82**  
**MT. HOUGH RANGER DISTRICT**  
**BUTTE AND PLUMAS COUNTIES, CALIFORNIA**

## **INTRODUCTION**

The U.S. Forest Service and the California Department of Transportation (Caltrans) are proposing a joint agency project which would improve aquatic organism passage at five tributaries of the North Fork Feather River, along State Route (SR) 70, in Butte and Plumas Counties. The tributary crossings are located at post miles (PM) 42.06 (Mill Creek), 42.21 (unnamed tributary – channel I-1), and 46.44 (Bear Creek) in Butte County, and PM 23.67 (Rush Creek) and 31.82 (Soda Creek) in Plumas County. The U.S. Forest Service is the lead agency under the National Environmental Policy Act (NEPA) and Caltrans is the lead agency under the California Environmental Quality Act (CEQA). A NEPA Environmental Assessment and CEQA Initial Study have been prepared to examine potential environmental impacts of the proposed project.

## **DECISION**

Based upon my review of the Feather River Aquatic Organism Passage Project Environmental Assessment (EA), I have decided to select Alternative A, which consists of constructing fish ladders in order to augment existing culverts for fish passage, and replacement of existing bridges/culverts with natural channel bottom structures that provide aquatic organism passage.

## **DECISION RATIONALE**

The purpose of the project is to provide aquatic organism passage at five tributaries of the North Fork Feather River (NFFR) while maintaining public safety and function of SR 70. The project is needed as the five tributary crossings currently act as barriers to native fish, amphibians, and reptiles. These crossings prevent aquatic organism passage due to physical barriers (e.g. perched culvert inlet or outlet) or velocity barriers (e.g. water velocity too high for passage due to undersized culvert, lack of natural culvert roughness, or high degree of slope). Tributaries to the NFFR are extremely valuable to aquatic species, as they provide cold water refugia, cover from predators, resting pools, and spawning and rearing habitat.

The selected alternative, Alternative A, meets the project purpose and need by constructing fish ladders in order to augment existing culverts for native trout passage at Rush and Soda Creeks, as well as replacement of existing bridges/culverts with natural channel bottom structures that provide aquatic organism passage for all species specific life stages at Mill Creek, channel I-1, and Bear Creek. Alternative A would contribute significantly to U.S. Forest Service objectives for aquatic organism passage and stream habitat improvement within the Plumas National Forest, and would restore spatial and temporal connectivity for aquatic and riparian species within and between watersheds.

Alternative B, the No-Action alternative, would not meet the project purpose and need. Alternative B would not provide suitable aquatic organism passage conditions and native fish and amphibian species would continue to be blocked from upstream migration. Native reptiles, amphibians, and other terrestrial wildlife would likely continue to utilize the surface of SR 70 for migration or movement within the drainage corridors, potentially resulting in roadway mortalities.

The Feather River Aquatic Organism Passage Project EA documents the environmental analysis and conclusions upon which this decision is based.

## **PUBLIC INVOLVEMENT**

This action was originally listed as a proposal on the Plumas National Forest Schedule of Proposed Actions and updated periodically during the analysis. People were invited to review and comment on the proposal through scoping letters which were distributed on November 7<sup>th</sup>, 2016 to various agency stakeholders, organizations, and individuals of the public within the project vicinity. Scoping letters were also sent to federally recognized tribes and local Native American communities and interested parties. The letters provided a description of the proposed action and apprised recipients of the preparation of the EA. To date, no comments have been received regarding the scoping letters.

Following completion of the EA, the document was circulated for public review and comment for a 30-day period from May 24 to June 23, 2017. A notice was published in the Feather River Bulletin on May 24, 2017 advertising the availability of the EA with instructions on how to submit comments. During the review period, the EA was made available online at the Plumas National Forest webpage and hard copies were distributed to various regulatory and planning agencies.

The Central Valley Regional Water Quality Control Board (CVRWQCB) and the California Department of Fish and Wildlife (CDFW), both responsible agencies<sup>1</sup> under CEQA, provided comments on the CEQA Initial Study. However, because a joint NEPA/CEQA document has been prepared, the comments are considered in reference to the document as a whole. These comments can be found in the project file and are available upon request.

---

<sup>1</sup>“Responsible agency” means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project. (California Code, Public Resource Code – PRC §21069)

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the Plumas National Forest Land and Resource Management Plan (PNF LRMP) as amended by the Sierra Nevada Forest Plan Amendment Final Environmental Impact Statement and Record of Decision. The project was designed in conformance with the goals and objectives outlined in the PNF LRMP and contributes to the desired conditions described in that plan by improving species viability, plant and animal community diversity, and watershed condition and connectivity with the PNF.

## **ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES**

The EA and draft decision notice are available at the Mount Hough Ranger District, 39696 State Highway 70, Quincy, California, 95971; or, on-line at:  
<http://www.fs.usda.gov/project/?project=50615>

This project is subject to the Pre-decisional Administrative Review Process (Objection Process) pursuant to 36 CFR 218, subparts A and B.

Objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with §218.5(a). Issues raised in objections must be based on previously submitted, timely, specific written comments regarding the proposed project unless based on new information arising after the designated comment opportunities.

Objections, including attachments, must be filed via mail, fax, email, hand-delivery, express delivery, or messenger service (Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays) to Daniel Lovato, Forest Supervisor, Plumas National Forest, at the following addresses. Mail: 159 Lawrence Street Quincy, CA 95971-6025; FAX: (530) 283-7746; or Email: [objections-pacificsouthwest-plumas@fs.fed.us](mailto:objections-pacificsouthwest-plumas@fs.fed.us). Electronically filed objections may be submitted by email in word (.doc or .docx), rich text format (.rtf), text (.txt), and hypertext markup language (.html).

Objections must be submitted within 45 calendar days following the publication of a legal notice in the Feather River Bulletin. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection.

At a minimum, an objection must include the following (36 CFR 218.8(d)):

1. The objector's name and address, with a telephone number, if available;
2. A signature or other verification of authorship upon request (a scanned signature for email may be filed with the objection);
3. When multiple names are listed on an objection, identification of the lead objector

(verification of the identity of the lead objector shall be provided upon request);

4. The name of the proposed project, the name and title of the Responsible Officials, and the name(s) of the National Forest(s) and/or Ranger District(s) on which the proposed project will be implemented;
5. A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
6. A statement that demonstrates connection between prior specific written comments on the particular proposed project or activity and the content of the objection.

Incorporation of documents by reference is permitted only as provided in §218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9. All objections are available for public inspection during and after the objection process.

## IMPLEMENTATION DATE

If no objections are filed within the 45-day time period, approval of the proposed project or activity documented in a Decision Notice may occur on, but not before, the fifth business day following the end of the objection filing period. If an objection is received, the responsible officials may not sign a Decision Notice until the reviewing officer of the objection has responded in writing to all pending objections, and the responsible officials have addressed any instructions included in the objection resolution.

## CONTACT

For additional information concerning this decision, contact: Kyla Sabo, District NEPA Planner, Mt. Hough Ranger District, Plumas National Forest, 39393 Hwy 70, Quincy CA, 95971, (530) 293-7619.

Draft Decision – No signature

MICKI D. SMITH  
District Ranger  
Mt. Hough Ranger District, Plumas National Forest

Date

*In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.*

*Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.*

*To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).*

*USDA is an equal opportunity provider, employer, and lender.*